

Executive Summary – Enforcement Matter – Case No. 46402
PETRO-TECH ENVIRONMENTAL, LLC
RN105198527
Docket No. 2013-0500-IHW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IHW

Small Business:

No

Location(s) Where Violation(s) Occurred:

Petro-Tech Environmental, 8502 Cypress Street, Building 3, Houston, Harris County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 4, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$54,151

Amount Deferred for Expedited Settlement: \$10,830

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,321

Total Due to General Revenue: \$42,000

Payment Plan: 35 payments of \$1,200 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 1, 2012

Date(s) of NOE(s): January 28, 2013

Executive Summary – Enforcement Matter – Case No. 46402
PETRO-TECH ENVIRONMENTAL, LLC
RN105198527
Docket No. 2013-0500-IHW-E

Violation Information

1. Failed to update the Facility's Notice of Registration ("NOR"). Specifically, Respondent failed to update the NOR to properly reflect the waste streams and waste management units [30 TEX. ADMIN. CODE § 335.6(c) and industrial hazardous waste ("IHW") Permit No. 88379, Provision No. II.C.1.h.].
2. Failed to properly complete the Uniform Hazardous Waste Manifest. Specifically, an incorrect Texas waste code was listed on the manifest [30 TEX. ADMIN. CODE § 335.10(c) and IHW Permit No. 88379, Provision No. II.C.1.h.].
3. Failed to submit and provide a complete and accurate Annual Waste Summary ("AWS"). Specifically, AWSs were not submitted for the years 2009, 2010, and 2011 [30 TEX. ADMIN. CODE § 335.9(a)(2) and IHW Permit No. 88379, Provision No. II.C.1.h.].
4. Failed to conduct hazardous waste determinations and classifications of waste streams. Specifically, waste determination and classification was not performed on the waste stream generated by the wastes mixed within the T-102 and T-103 tanks [30 TEX. ADMIN. CODE §§ 335.62, 335.503, and 335.513 and 40 CODE OF FEDERAL REGULATIONS § 262.11].
5. Failed to follow the approved Waste Analysis Plan ("WAP"). Specifically, the Respondent did not modify the permit and the WAP prior to accepting waste with form codes not authorized within the permit [30 TEX. ADMIN. CODE § 335.2 and IHW Permit No. 88379, Provision Nos. IV.A. and IV.B.1.].
6. Failed to follow the daily inspection schedule contained within the Facility's permit. Specifically, no inspections were completed from November 2009 to March 2011 [30 TEX. ADMIN. CODE § 335.2 and IHW Permit No. 88379, Provision Nos. III.D. and II.B.1.c.].
7. Failed to submit Monthly Waste Receipt Summaries for all manifests received each month. Specifically, Monthly Waste Receipt Summaries were reported late for the months of January, May, June, August, and September of 2010, January through October of 2011, and February of 2012 [30 TEX. ADMIN. CODE § 335.15(2) and IHW Permit No. 88379, Provision No. II.B.9.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. Updated the NOR to reflect the correct waste streams and waste management units on February 6, 2013;
- b. Submitted a properly completed Uniform Hazardous Waste Manifest on January 14, 2013;

Executive Summary – Enforcement Matter – Case No. 46402
PETRO-TECH ENVIRONMENTAL, LLC
RN105198527
Docket No. 2013-0500-IHW-E

- c. Modified the Facility's Class 1 permit and the WAP on February 6, 2013 to include additional waste codes accepted by the Facility; and
- d. Implemented procedures on November 19, 2012 to ensure that Monthly Waste Receipt Summary reports are submitted to the agency on or before the 25th of each month.

Technical Requirements:

Respondent shall undertake the following technical requirements:

- a. Within 30 days:
 - i. Submit properly completed AWSs for calendar years 2009, 2010, and 2011;
 - ii. Conduct hazardous waste determinations and classifications on all waste streams generated at the Facility; and
 - iii. Begin conducting all required daily inspections and maintain records at the Facility for three years.
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Clinton Sims, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-6933; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Robert L. Burington, Vice President, PETRO-TECH ENVIRONMENTAL, LLC, 8502 Cypress Street, Houston, Texas 77012
Jose G. Lopez, President, PETRO-TECH ENVIRONMENTAL, LLC, 8502 Cypress Street, Houston, Texas 77012
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES

Assigned 29-Jan-2013
PCW 30-Jan-2013

Screening 30-Jan-2013

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent PETRO-TECH ENVIRONMENTAL, LLC
Reg. Ent. Ref. No. RN105198527
Facility/Site Region 12-Houston Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 46402 No. of Violations 4
Docket No. 2013-0500-IHW-E Order Type 1660
Media Program(s) Industrial and Hazardous Waste Government/Non-Profit No
Multi-Media Enf. Coordinator Andrea Park
EC's Team Enforcement Team 6

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$59,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History -10.0% Enhancement Subtotals 2, 3, & 7 -\$5,900

Notes Reduction for high performer classification.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$7,050

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$196
Approx. Cost of Compliance \$1,600
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$46,050

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$46,050

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$46,050

DEFERRAL

20.0%

Reduction

Adjustment -\$9,210

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$36,840

Screening Date 30-Jan-2013

Docket No. 2013-0500-IHW-E

PCW

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Policy Revision 2 (September 2002)

Case ID No. 46402

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105198527

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Andrea Park

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance
History
Notes

Reduction for high performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) -10%

Screening Date 30-Jan-2013

Docket No. 2013-0500-IHW-E

PCW

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Policy Revision 2 (September 2007)

Case ID No. 46402

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105198527

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Andrea Park

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.2 and IHW Permit No. 88379, Provision Nos. IV.A. and IV.B.1.

Violation Description Failed to follow the approved Waste Analysis Plan ("WAP"). Specifically, the Respondent did not modify the permit and WAP prior to accepting waste with form codes not authorized within the permit.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 38

1132 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$38,000

Thirty-eight monthly events are recommended from the January 1, 2010 violation start date to the January 30, 2013 screening date.

Good Faith Efforts to Comply

10.0% Reduction

\$3,800

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes The Respondent came into compliance on February 6, 2013, after the NOE dated January 28, 2013.

Violation Subtotal \$34,200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$78

Violation Final Penalty Total \$30,400

This violation Final Assessed Penalty (adjusted for limits) \$30,400

Economic Benefit Worksheet

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Case ID No. 46402

Reg. Ent. Reference No. RN105198527

Media Industrial and Hazardous Waste

Violation No. 1

Percent Interest 5.0

Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Jan-2010	6-Feb-2013	3.10	\$78	n/a	\$78

Notes for DELAYED costs

Estimated cost to modify the Facility's Class 1 permit and the WAP to include additional waste codes accepted by the Facility. The date required is the violation start date, and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$78

Screening Date 30-Jan-2013

Docket No. 2013-0500-IHW-E

PCW

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Policy Revision 2 (September 2002)

Case ID No. 46402

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105198527

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Andrea Park

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.2 and IHW Permit No. 88379, Provision Nos. III.D. and II.B.1.c.

Violation Description

Failed to follow the daily inspection schedule contained within the Facility's permit. Specifically, no inspections were completed from November 2009 to March 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 6

485 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$6,000

Six quarterly events are recommended from the November 1, 2009 violation start date to the January 30, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$6,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$96

Violation Final Penalty Total \$5,400

This violation Final Assessed Penalty (adjusted for limits) \$5,400

Economic Benefit Worksheet

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Case ID No. 46402

Reg. Ent. Reference No. RN105198527

Media Industrial and Hazardous Waste

Violation No. 2

Percent Interest 5.0

Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	1-Nov-2009	30-Aug-2013	3.83	\$96	n/a	\$96
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct daily inspections and maintain records. The date required is the violation start date, and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$96

Screening Date 30-Jan-2013

Docket No. 2013-0500-IHW-E

PCW

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Policy Revision 2 (September 2002)

Case ID No. 46402

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105198527

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Andrea Park

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 335.15(2) and IHW Permit No. 88379, Provision No. II.B.9.

Violation Description

Failed to submit Monthly Waste Receipt Summaries for all manifests received each month. Specifically, Monthly Waste Receipt Summaries were reported late for the months of January, May, June, August, and September of 2010 and January through August of 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 13

546 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$13,000

Thirteen single events are recommended based on documentation of the violation during the November 1, 2012 investigation.

Good Faith Efforts to Comply

25.0% Reduction

\$3,250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent came into compliance on November 19, 2012, prior to the NOE dated January 28, 2013.

Violation Subtotal \$9,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$8,450

This violation Final Assessed Penalty (adjusted for limits) \$8,450

Economic Benefit Worksheet

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Case ID No. 46402

Reg. Ent. Reference No. RN105198527

Media Industrial and Hazardous Waste

Violation No. 3

Percent Interest 5.0 **Years of Depreciation** 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	1-Nov-2012	19-Nov-2012	0.05	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement procedures to ensure that Monthly Waste Receipt Summaries are submitted in a timely manner. The date required is the investigation date, and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Screening Date 30-Jan-2013

Docket No. 2013-0500-IHW-E

PCW

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Policy Revision 2 (September 2002)

Case ID No. 46402

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105198527

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Andrea Park

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 335.9(a)(2) and IHW Permit No. 88379, Provision No. II.C.1.h.

Violation Description

Failed to submit and provide a complete and accurate Annual Waste Summary ("AWS"). Specifically, AWSs were not submitted for the years 2009 and 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
		x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

730 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,000

Two single events are recommended for calendar years 2009 and 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$1,800

This violation Final Assessed Penalty (adjusted for limits) \$1,800

Economic Benefit Worksheet

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Case ID No. 46402

Reg. Ent. Reference No. RN105198527

Media Industrial and Hazardous Waste

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	1-Nov-2012	30-Sep-2013	0.91	\$46	n/a	\$46

Notes for DELAYED costs

Estimated cost to complete and submit an AWS. The date required is the investigation date, and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$46



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES

Assigned
PCW

29-Jan-2013
30-Jan-2013

Screening 30-Jan-2013

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent PETRO-TECH ENVIRONMENTAL, LLC
Reg. Ent. Ref. No. RN105198527
Facility/Site Region 12-Houston Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 46402
Docket No. 2013-0500-IHW-E
Media Program(s) Industrial and Hazardous Waste
Multi-Media
No. of Violations 5
Order Type 1660
Government/Non-Profit No
Enf. Coordinator Andrea Park
EC's Team Enforcement Team 6

Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$10,250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History -10.0% Enhancement Subtotals 2, 3, & 7 -\$1,025

Notes Reduction for high performer classification.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$1,124

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$222
Approx. Cost of Compliance \$5,350
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$8,101

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$8,101

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$8,101

DEFERRAL

20.0%

Reduction

Adjustment -\$1,620

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$6,481

Screening Date 30-Jan-2013

Docket No. 2013-0500-IHW-E

PCW

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Policy Revision 3 (September 2011)

Case ID No. 46402

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105198527

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Andrea Park

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance
History
Notes

Reduction for high performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 30-Jan-2013

Docket No. 2013-0500-IHW-E

PCW

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Policy Revision 3 (September 2011)

Case ID No. 46402

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105198527

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Andrea Park

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 335.6(c) and IHW Permit No. 88379, Provision No. II.C.1.h.

Violation Description

Failed to update the Facility's Notice of Registration ("NOR"). Specifically, the Respondent failed to update the NOR to properly reflect the waste streams and waste management units.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

Greater than 70% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

90 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$125

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent came into compliance on February 6, 2013, after the Notice of Enforcement ("NOE") dated January 28, 2013.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

Economic Benefit Worksheet

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Case ID No. 46402

Reg. Ent. Reference No. RN105198527

Media Industrial and Hazardous Waste

Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Nov-2012	6-Feb-2013	0.27	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to update the Facility's NOR to reflect the correct waste streams and waste management units. The date required is the investigation date, and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$7

Screening Date 30-Jan-2013

Docket No. 2013-0500-IHW-E

PCW

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Policy Revision 3 (September 2011)

Case ID No. 46402

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105198527

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Andrea Park

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.10(c) and IHW Permit No. 88379, Provision No. II.C.1.h.

Violation Description

Failed to properly complete the Uniform Hazardous Waste Manifest. Specifically, an incorrect Texas waste code was listed on the manifest.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

74 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$62

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent came into compliance on January 14, 2013, prior to the NOE dated January 28, 2013.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$163

This violation Final Assessed Penalty (adjusted for limits) \$163

Economic Benefit Worksheet

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Case ID No. 46402

Reg. Ent. Reference No. RN105198527

Media Industrial and Hazardous Waste

Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	1-Nov-2012	14-Jan-2013	0.20	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit a properly completed uniform hazardous waste manifest. The date required is the investigation date, and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$1

Screening Date 30-Jan-2013
Respondent PETRO-TECH ENVIRONMENTAL, LLC
Case ID No. 46402
Reg. Ent. Reference No. RN105198527
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Andrea Park
Violation Number 3

Docket No. 2013-0500-IHW-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Rule Cite(s) 30 Tex. Admin. Code § 335.9(a)(2) and IHW Permit No. 88379, Provision No. II.C.1.h.

Violation Description Failed to submit and provide a complete and accurate Annual Waste Summary ("AWS"). Specifically, an AWS was not submitted for the year 2011.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification				Percent
	Major	Moderate	Minor	
	x			5.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 365 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,250

One single event is recommended for calendar year 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
N/A	x		(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Estimated EB Amount \$23

Statutory Limit Test

Violation Final Penalty Total \$1,125

This violation Final Assessed Penalty (adjusted for limits) \$1,125

Economic Benefit Worksheet

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Case ID No. 46402

Reg. Ent. Reference No. RN105198527

Media Industrial and Hazardous Waste

Violation No. 3

Percent Interest 5.0

Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Nov-2012	30-Sep-2013	0.91	\$23	n/a	\$23

Notes for DELAYED costs

Estimated cost to complete and submit an AWS. The date required is the investigation date, and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$23

Screening Date 30-Jan-2013

Docket No. 2013-0500-IHW-E

PCW

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Policy Revision 3 (September 2011)

Case ID No. 46402

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105198527

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Andrea Park

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 335.62, 335.503, and 335.513 and 40 Code of Federal Regulations § 262.11

Violation Description

Failed to conduct hazardous waste determinations and classifications of waste streams. Specifically, waste determination and classification was not performed on the waste stream generated by the wastes mixed within the T-102 and T-103 tanks.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 90 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$3,750

One single event is recommended for one waste stream.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$192

Violation Final Penalty Total \$3,375

This violation Final Assessed Penalty (adjusted for limits) \$3,375

Economic Benefit Worksheet

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Case ID No. 46402

Reg. Ent. Reference No. RN105198527

Media Industrial and Hazardous Waste

Violation No. 4

Percent Interest 5.0 | **Years of Depreciation** 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$4,200	1-Nov-2012	30-Sep-2013	0.91	\$192	n/a	\$192

Notes for DELAYED costs

Estimated cost to conduct hazardous waste determinations and classify the waste stream at the Facility. The date required is the date of the investigation, and the final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,200

TOTAL

\$192

Screening Date 30-Jan-2013
Respondent PETRO-TECH ENVIRONMENTAL, LLC
Case ID No. 46402
Reg. Ent. Reference No. RN105198527
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Andrea Park

Docket No. 2013-0500-IHW-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 335.15(2) and IHW Permit No. 88379, Provision No. II.B.9.

Violation Description

Failed to submit Monthly Waste Receipt Summaries for all manifests received each month. Specifically, Monthly Waste Receipt Summaries were reported late for the months of September and October of 2011 and February of 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3

182 **Number of violation days**

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$3,750

Three single events are recommended based on documentation of the violation during the November 1, 2012 investigation.

Good Faith Efforts to Comply

25.0% Reduction

\$937

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent came into compliance on November 19, 2012, prior to the NOE dated January 28, 2013.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$2,438

This violation Final Assessed Penalty (adjusted for limits) \$2,438

Economic Benefit Worksheet

Respondent PETRO-TECH ENVIRONMENTAL, LLC

Case ID No. 46402

Reg. Ent. Reference No. RN105198527

Media Industrial and Hazardous Waste

Violation No. 5

Percent Interest 5.0

Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	1-Nov-2012	19-Nov-2012	0.05	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement procedures to ensure that Monthly Waste Receipt Summary reports are submitted to the agency on or before the 25th of each month. The date required is the investigation date, and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0



Compliance History Report

PUBLISHED Compliance History Report for CN603174210, RN105198527, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN603174210, PETRO-TECH ENVIRONMENTAL, LLC	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN105198527, PETRO-TECH ENVIRONMENTAL	Classification: HIGH	Rating: 0.00
Complexity Points:	9	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	8502 CYPRESS ST, BLDG 3 HOUSTON, TX 77012-1735, HARRIS COUNTY		
TCEQ Region:	REGION 12 - HOUSTON		

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 88379

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 88379

USED OIL EPA ID TXR000077966

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000077966

USED OIL REGISTRATION A85914

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: March 12, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 12, 2008 to March 12, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Andrea Park

Phone: (713) 422-8970

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
PETRO-TECH
ENVIRONMENTAL, LLC
RN105198527**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-0500-IHW-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding PETRO-TECH ENVIRONMENTAL, LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility at 8502 Cypress Street, Building 3, in Houston, Harris County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial solid waste and hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 2, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifty-Four Thousand One Hundred Fifty-One Dollars (\$54,151) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Three Hundred

Twenty-One Dollars (\$1,321) of the administrative penalty and Ten Thousand Eight Hundred Thirty Dollars (\$10,830) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Forty-Two Thousand Dollars (\$42,000) of the administrative penalty shall be payable in 35 monthly payments of One Thousand Two Hundred Dollars (\$1,200) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Updated the Notice of Registration ("NOR") to reflect the correct waste streams and waste management units on February 6, 2013;
 - b. Submitted a properly completed Uniform Hazardous Waste Manifest on January 14, 2013;
 - c. Modified the Facility's Class 1 permit and the Waste Analysis Plan ("WAP") on February 6, 2013 to include additional waste codes accepted by the Facility; and
 - d. Implemented procedures on November 19, 2012 to ensure that Monthly Waste Receipt Summary reports are submitted to the agency on or before the 25th of each month.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to update the Facility's NOR, in violation of 30 TEX. ADMIN. CODE § 335.6(c) and industrial hazardous waste ("IHW") Permit No. 88379, Provision No. II.C.1.h., as documented during an investigation conducted on November 1, 2012. Specifically, the Respondent failed to update the NOR to properly reflect the waste streams and waste management units.
2. Failed to properly complete the Uniform Hazardous Waste Manifest, in violation of 30 TEX. ADMIN. CODE § 335.10(c) and IHW Permit No. 88379, Provision No. II.C.1.h., as documented during an investigation conducted on November 1, 2012. Specifically, an incorrect Texas waste code was listed on the manifest.
3. Failed to submit and provide a complete and accurate Annual Waste Summary ("AWS"), in violation of 30 TEX. ADMIN. CODE § 335.9(a)(2) and IHW Permit No. 88379, Provision No. II.C.1.h., as documented during an investigation conducted on November 1, 2012. Specifically, AWSs were not submitted for the years 2009, 2010, and 2011.
4. Failed to conduct hazardous waste determinations and classifications of waste streams, in violation of 30 TEX. ADMIN. CODE §§ 335.62, 335.503, and 335.513 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.11, as documented during an investigation conducted on November 1, 2012. Specifically, waste determination and classification was not performed on the waste stream generated by the wastes mixed within the T-102 and T-103 tanks.
5. Failed to follow the approved WAP, in violation of 30 TEX. ADMIN. CODE § 335.2 and IHW Permit No. 88379, Provision Nos. IV.A. and IV.B.1., as documented during an investigation conducted on November 1, 2012. Specifically, the Respondent did not modify the permit and the WAP prior to accepting waste with form codes not authorized within the permit.
6. Failed to follow the daily inspection schedule contained within the Facility's permit, in violation of 30 TEX. ADMIN. CODE § 335.2 and IHW Permit No. 88379, Provision Nos. III.D. and II.B.1.c., as documented during an investigation conducted on November 1, 2012. Specifically, no inspections were completed from November 2009 to March 2011.
7. Failed to submit Monthly Waste Receipt Summaries for all manifests received each month, in violation of 30 TEX. ADMIN. CODE § 335.15(2) and IHW Permit No. 88379, Provision No. II.B.9., as documented during an investigation conducted on November 1, 2012. Specifically, Monthly Waste Receipt Summaries were reported late for the months of January, May, June, August, and September of 2010, January through October of 2011, and February of 2012.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: PETRO-TECH ENVIRONMENTAL, LLC, Docket No. 2013-0500-IHW-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit properly completed AWSs for calendar years 2009, 2010, and 2011, in accordance with 30 TEX. ADMIN. CODE § 335.9;
 - ii. Conduct hazardous waste determinations and classifications on all waste streams generated at the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 335.62, 335.503, and 335.513 and 40 CFR § 262.11; and
 - iii. Begin conducting all required daily inspections and maintain records at the Facility for three years, in accordance with 30 TEX. ADMIN. CODE § 335.2.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission,

including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

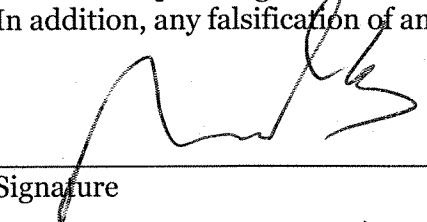
6/22/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

08/16/13
Date

Robert L Buxington
Name (Printed or typed)

Authorized Representative of

PETRO-TECH ENVIRONMENTAL, LLC

Vice president
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.